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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,858	05/19/2000	Yoshinori Shimizu	450100-02472	1668
20999	7590	06/07/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			VENT, JAMIE J	
		ART UNIT	PAPER NUMBER	
		2616		
DATE MAILED: 06/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/575,858	SHIMIZU, YOSHINORI
Examiner	Jamie Vent	Art Unit
		2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 November 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Continued Prosecution Application

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 11, 2004 has been entered.

Response to Arguments

Applicant's arguments filed May 26, 2005 have been fully considered but they are not persuasive. Applicant's argues on pages 7-8 that Koyama et al fails to teach or disclose the limitation of a reproducing apparatus that generates index pictures of the same size from contents data of different formats, as disclosed in independent Claims 1 and 9. Koyama et al discloses in Column 15 Lines 35-50 describes the output of pictures generated in different formats and thereby meeting the limitation. Although, applicant's points are understood the examiner can not agree and therefore the rejection is maintained.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being unpatentable over Koyama et al (US 6,112,010).

[claims 1 and 9]

1. In regard to Claims 1 and 9, Koyama et al discloses a reproducing apparatus and method for receiving contents data and index pictures corresponding thereto from a record medium or transmission medium (Figure 1), the picture frame sizes of the index pictures being smaller than the picture frame size of the contents data (Figure 10 step s16), displaying the index pictures on displaying means (Figure 4), and selecting contents data with the displayed index pictures (Figure 12), the reproducing comprising:

- First storing means for storing first index picture that is received (Figure 1 element 5 stores the index picture);
- Picture processing means for processing the first index picture data that is read from said first storage means (Figure 1 picture is read from storage element 5 and sent to the picture processing block element 3);
- Second storing means for storing second index picture data that is formed by said picture processing means and for outputting picture data to be displayed (Figure 1 element 6a stores playback information in the RAM); and
- Wherein received contents data can have different formulas and index pictures generated from contents data having different respective formats can be displayed together in respective picture

frames having the same picture frame size (Column 15 Lines 35-50 describes the output of pictures generated in different formats).

[claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14]

2. In regard to Claims 2, 3, 4, 5, 6, 10, 11, 12, 13, and 14, Koyama et al discloses a reproducing apparatus and method wherein the picture processing comprises:

- converts the component format of the first index picture data(Figure 4 shows the apparatus while Figure 9 shows the method of formatting the index picture);
- Mono-chrome data generating source and adds mono-chrome data generated by the mono-chrome data generating source to the picture frame of the first index picture data in a frame shape and adds the mono-chrome data to the picture frame of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture size (Column 12 Lines 40+ disclose how mono-chrome data is entered as well as how pictures with different frame size is converted into pictures having the same frame size); and
- Enlargers or reduces the picture frame size of the first index picture data so that pictures of different picture frame sizes are converted into pictures of the same picture frame size (Figure 9 steps s4 enlarges or reduces the picture frame size while s6 determines that

there is enough room for recording and is discussed in Column 12 Lines 59+).

[claims 7 and 15]

3. In regard to Claims 7 and 15, Koyama et al discloses a reproducing apparatus and method wherein the first index picture data and second index picture are composed of first field and second field and the second index picture data is written to said second storing means, data of one of the first field and the second field that is not being displayed is written (Column 14 lines 1+ discuss how a first index picture data and second index picture are composed of the first and second field and the are stored as seen in Figure 6 and only the first picture images are displayed).

[claims 8]

4. In regard to Claim 8, Koyama et al discloses a reproducing apparatus and method wherein the first storing means is used for decoding process for obtaining the first index picture data (Figure 36 step s71 where the picture data is recorded after having undergone fixed length encoding along with the header is read out as it is without allowing it to undergo expansion decoding processing to transfer to main memory 11a).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al (US 6,011,897) in view of Hoshi (US 5,943,102).

[claims 16 & 17]

In regard to Claims 16 and 17, Koyama et al discloses the recording apparatus output to a display, as seen in Figure 38 s137; however, fails to disclose that the type of output to be selected is either NTSC or PAL. Hoshi et al discloses an image data decoding method that compares information for display depending on resolution to be displayed. The information to be displayed has various display modes that can be selected, such as NTSC/PAL as disclosed in Column 12 Lines 42-55. Therefore, it would be obvious to one of ordinary skill in the art to use the reproducing apparatus that generates index pictures for displaying and reproducing, as disclosed by Koyama et al, and incorporate an output type of NTSC or PAL depending on the display apparatus, as disclosed by Hoshi et al, which will allow for a better display of the index picture on the display.

Conclusion

6. The prior art made of record and not relied upon are considered pertinent to applicant's disclosure. The following is considered of significant interest to the application:

- Timmermans (US 5633726); and
- Takeuchi (US 5546137).

Contact Fax Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent
05/31/05



THAI TRAN
PRIMARY EXAMINER